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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR     | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|--------------------------|---------------------|------------------|
| 10/660,172   | 09/11/2003  | Ramanathan T. Jagadeesan | 062891.1175         | 7595             |
| 5073   | 7590        | 09/12/2005               | EXAMINER            |                  |
| BAKER BOTTS L.L.P.<br>2001 ROSS AVENUE<br>SUITE 600<br>DALLAS, TX 75201-2980 |             |                          | PHU, SANH D         |                  |
|  |             |                          | ART UNIT            | PAPER NUMBER     |
|  |             |                          | 2682                |                  |

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/660,172             | JAGADEESAN ET AL.   |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Sanh D. Phu            | 2682                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) Responsive to communication(s) filed on 15 August 2005.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-32 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-32 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_ .

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

## DETAILED ACTION

This Office Action is responsive to the Applicant's Response filed on 8/15/05.

### *Claim Rejections – 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1–32 are rejected under 35 U.S.C. 102(e) as being anticipated by Marsh et al (2004/0266426), previously cited.

–Regarding to claims 1, 15, 27, see figures 2, 6 and 14, and [0061–0075, 0090, 0144–0150], Marsh et al a method and associated system (see figures 6 and 14) comprising:

steps/means having an Internet protocol (IP) private branch exchange (PBX) (Soft Switch (344)) operable to receive a request (700) from a communication device (156) , the request being used to establish a communication session that implicates a mobile station (130), the IP PBX responding to the request by signaling (706) to a cellular data network (140, 130) that a call is being initiated that involves the mobile station (see figure 14, [0145]),

wherein the IP PBX is operable to exchange signaling information (714, 720, 726, 736, 740, 741) with a voice gateway (340) after receiving the request such that one or more voice circuits (130, 140, 340, 108, 344, 156) are established by the voice gateway in order to accommodate voice data that may propagate between the communication device and the mobile station (see figure 6, and [0146-0150]), and

wherein a signaling pathway (150A-D) (see figure 6, [0145]) is established between the IP PBX and the mobile station via the cellular data network in response to the request, the establishment of the signaling pathway being substantially concurrent with the establishment of one or more of the

voice circuits (see figures 6 and 14, and [0145-0150]) such that one or more features (e.g., forwarding call from (156) to (130)) associated with a private network are delivered to the mobile station during the communication session.

Further regarding to claim 27, Marsh et al teaches that the method can be carried out by implementing the Internet protocol (IP) private branch exchange (PBX) (Soft Switch (344)) with a software (which inherently comprising computer code) being embodied in a readable storage medium that when executed is operable to control the Internet protocol (IP) private branch exchange (PBX) (Soft Switch (344)) to perform the steps of the method (see figure 5, and [0082]).

-Regarding to claims 2, 16, 28, Marsh et al discloses that the IP PBX and the communication device exchange signaling information (702, 724, 738) (see figure 14) associated with the communication session after the request is received by the IP PBX.

-Regarding to claims 3, 17, 29, Marsh et al discloses that the IP PBX communicates call-identification information (indicated by "IP address") to the

mobile station after receiving the request from the communication device (0145]).

-Regarding to claims 4, 18, 30, Marsh et al discloses that wherein signaling information (712) associated with one or more functions performed at the mobile station (e.g., accepting the call (see (710) of figure 14, and [0145]) and involving one or more of the features (e.g., forwarding call from (156) to (130)) associated with the private network are received by the IP PBX and processed therein during the communication session.

-Regarding to claims 5, 19, 31, Marsh et al discloses that the communication session is presented to an end user of the mobile station in a manner that is consistent with a display (204), which may be offered in the private network (see figure 7, and [0095–0103]).

-Regarding to claims 6, 20, 32, Marsh et al discloses that the IP PBX is capable of identifying that the mobile station is equipped to accommodate one or more of the features associated with the private network and one or more of the features associated with the cellular data network (e.g., the the IP PBX is capable of identifying user defined settings, registration information, IP

interface of the mobile station so that the IP PBX can provide a feature, e.g., forward a call to the mobile station via the cellular data network (see [0145])).

-Regarding to claim 7, Marsh et al discloses that one of features associated with the private network is a call forwarding function (see figure 14).

-Regarding to claims 8, 21, as applied to claim 1, see figures 2, 6 and 14, and [0061–0075, 0090, 0144–0150], Marsh et al a system (see figures 6 and 14) comprising:

    a mobile station (130) operable to conduct a communication session involving a communication device;  
    an Internet protocol (IP) private branch exchange (PBX) (344) being operable to receive a request from a communication device to establish the communication session, the IP PBX responding to the request by signaling to the mobile station via a cellular data network that a call is being initiated that involves the mobile station,

wherein the IP PBX is operable to exchange signaling information with a voice gateway (340) after receiving the request such that one or more voice circuits are established by the voice gateway in order to accommodate voice data that may propagate between the communication device and the mobile station, and

wherein a signaling pathway is established between the IP PBX and the mobile station via the cellular data network in response to the request, the establishment of the signaling pathway being substantially concurrent with the establishment of one or more of the voice circuits such that one or more features associated with a private network are delivered to the mobile station during the communication session.

-Regarding to claim 9, Marsh et al discloses that the mobile station includes an operations/administration (OA) and management/policies (MP) element(410) operable to provide provisioning applications (WLAN, CELLULAR) for the mobile station, the provisioning applications being associated with one or more policies provided to an end user of the mobile station (see figure 8, and [0096- 0102].

-Regarding to claim 10, Marsh et al discloses that the mobile station includes a general module (130) (see figures 7 and 8) that is operable to provide a communicative platform from which one or more of the features (e.g., forwarding a call, voice mail, email, location tracking, intercom, etc.) associated with the private network are delivered (see [0095–0103, 0169]).

-Claim 11 is rejected with similar reasons set forth for claim 4.

-Regarding to claim 12, Marsh et al discloses that the mobile station includes a functions element (inherently included) operable to perform scanning and roaming functionalities for the mobile station (e.g., so that Internet protocol (IP) private branch exchange (PBX) (344) can track the location of the mobile station (see figure 19, [0103, 0177–0182]).

-Regarding to claim 13, Marsh et al discloses that the functions element is further operable to provide power management (inherently included for transmitting/receiving signals) and wireless local area network (WLAN) operations (400) for the mobile station (see figure 8, and 0096).

-Regarding to claim 14, Marsh et al discloses that the mobile station includes one or more virtual drivers (410) operable to communicate with the functions element in order to facilitate a selected communications protocol being implemented in the communication session [0096, 0099–0101]).

-Claim 22 is rejected with similar reasons set forth for claim 2.

-Claim 23 is rejected with similar reasons set forth for claim 3.

-Claim 24 is rejected with similar reasons set forth for claim 4.

-Claim 25 is rejected with similar reasons set forth for claim 5.

-Claim 26 is rejected with similar reasons set forth for claim 6.

*Response to Arguments*

3. Applicant's arguments filed on 8/15/05 have been fully considered but they are, in part, not persuasive.

-Applicant's arguments with respect to claim 7 is persuasive. The previously rejection has been withdrawn; however, the claim is deemed not allowable with reasons set forth above in this Office Action.

-Applicant's arguments with respect to claims 1, 8, 15, 21, 27 have been considered. However, upon a re-consideration, the claims are deemed not overcome Marsh et al with reasons, now re-writen, set forth in this Office Action.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D. Phu whose telephone number is (571)272-7857. The examiner can normally be reached on 8:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



NICK CORSARO  
PRIMARY EXAMINER

SP

Sanh D. Phu  
Examiner  
Art Unit 2682